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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/711,339	09/12/2004	Hideaki Saito	SIMTEK6976

CONFIRMATION NO. 5338

025776
 ERNEST A. BEUTLER, ATTORNEY AT LAW
 10 RUE MARSEILLE
 NEWPORT BEACH, CA 92660

FORMALITIES LETTER



OC00000014073936

Date Mailed: 10/13/2004

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
 - The line spacing on the specification, claims, or abstract is not 1½ or double spaced (see 37 CFR 1.52(b)).

The following item(s) appear to have been omitted from the application:

- Figure(s) 8 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within TWO MONTHS of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within TWO MONTHS of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing

date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY

SIMTEK6976



IN THE UNITED STATES PATENT OFFICE

In re Application
Hideaki Saito

App. No.: 10/711339
Filed: September 12, 2004
Conf. No.: 5338
Title: PISTON FOR TILT AND TRIM
UNIT OF OUTBOARD DRIVE
OF MARINE PROPULSION UNIT
Examiner:
Art Unit:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

October 22, 2004



Ernest A. Beutler
Reg. No. 19901

REPLY TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Dear Sir:

This is in response to the notice mailed October 13, 2004, a copy of which is attached for reference.

This notice states that the application requires a substitute Specification, which is believed to be in error as this application was prepared by your new authoring program. It has been noted by the undersigned that a similar letter was prepared in another application filed the same day under Serial Number 10/711336, but was subsequently withdrawn without mailing. It is believed that this objection is in error and its withdrawal is respectfully requested.

As to the objection that FIG. 8 is missing, it is understood how the Office made this objection as the copy prepared in pdf format appears to lack that figure apparently due to a compiling error. Your attention is directed to the electronic filing receipt generated when the case was filed of the receipt of 7 Images the last of which constitutes FIG. 8. Therefore it is believed the Notice was in error and confirmation of that fact is requested.

Respectfully submitted:


Ernest A. Beutler
Reg. No. 19901

Phone (949) 721-1182

Pacific Time